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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/964,180	11/04/1997	MASAKI HIGURASHI	970668/LH	1966
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1933 7590 07/16/2002

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

TR

Office Action Summary

Application No.
08/964,180

Applicant(s)
Higurashi et al.

Examiner
Luong Nguyen

Art Unit
2612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 1, 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 7, 9, 10, 12-14, 17, 19-22, 25, 27, and 28 is/are pending in the application.
- 4a) Of the above, claim(s) 1, 5, 7, 9, 12, 13, 17, 19, 21, 25, and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 3, 10, 14, 20, 22, and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Nov 4, 1997 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

1. Applicant's election of Species corresponding to Figure 14 which reads on claims 2, 3, 10, 14, 20, 22, 28, in Paper No. 25 filed on 5/01/2002 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 1, 5, 7, 9, 12, 13, 17, 19, 21, 25, 27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 25 filed on 5/01/2002.

Drawings

3. The drawings are objected to because the informalities addressed below:

In figure 14, there is no connection between "exposure time ratio calculating section 61" and "image joining section 6" as disclosed in specification page 31, lines 3-7, and figure 15. It should include an arrow line with label "Rexp" from "exposure time ratio calculating section 61" to "image joining section 6".

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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Claim Objections

4. Claims 2, 3, 10, 14, 20, 22, 28 are objected to because of the following informalities:

Claim 2 (lines 13-14, 19-20), “said brightness correction means” should be changed to --said brightness correcting means--.

Claim 3 (line 3), “the correction parameter” should be changed to --the correction parameters”.

Claim 10 (line 4-5), claim 20 (lines 4-5), claim 28 (line 5), “said correction parameter” should be changed to --said correction parameters--.

Claim 14 (lines 5-6), claim 22 (line 10), “a correction parameters” should be changed to --correction parameters--;

Claim 14 (line 11), claim 22 (line 15), “the correction parameter set” should be changed to --the set correction parameters--;

Claim 14 (line 18), “imaging displaying step” should be changed to --image displaying step--;

Claim 14 (line 22), claim 22 (line 27), “correction parameter” should be changed to --correction parameters--.

Claim 22 (line 11), “said plurality taken” should be changed to --said plurality of images taken--.

Claims 3, 10 are objected as being dependent on claim 2.

Claim 20 is objected as being dependent on claim 14.

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Claim 28 is objected as being dependent on claim 22.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 2, 3, 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 (line 16) recites the limitation "said" in "said one input image".

Claim 2 (line 17) recites the limitation "said" in "said plurality of input images".

Claim 3(line 2), claim 10 (line 2) recite the limitation "said" in "said image correction means".

There is insufficient antecedent basis for this limitation in the claim.

Claims 3, 10, are rejected as being dependent on claim 14.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 2, 3, 10, 14, 20, 22, 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueno et al. (JP 8-32847).

Regarding claim 2, Ueno et al. disclose an electronic still camera comprising image input means for inputting one composition as a plurality of images taken with a different exposure (figures 1, 10, 11, exposure synthesis mode, sections [0090], [0091], [0092], [0093], pages 40-41); correction parameter setting means for setting correction parameters to correct brightness of at least one image (set aperture value display part 65 and aperture modification display part 66, section [0051], page 27); brightness correcting means (correction brightness display part 86, section [0095], page 42); image synthesizing means (exposure synthesis mode, sections [0090], [0100], pages 40, 44, figures 10, 11).

Regarding claim 3, Ueno et al. disclose wherein said image correction means corrects the image by changing the correction parameters in accordance with differences in brightness between a plurality of images displayed by said image display means (figures 10, 11).

Regarding claim 10, Ueno et al. disclose wherein said image correction means corrects the image by changing an exposure ratio (set aperture value display part 65, figure 10) between a plurality of images, which is used as said correction parameters, in accordance with differences in brightness between a plurality of images displayed by said image display means (figures 10, 11).

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Regarding claims 14, 20, claims 14, 20 are method claims of apparatus claims 2, 10, respectively. Therefore, claims 14, 20 are rejected for the reasons given respect to claims 2, 10.

Claims 22 is considered equivalent to claim 14. Therefore, see Examiner's comments regarding to claim 14.

Claims 28 is considered equivalent to claim 20. Therefore, see Examiner's comments regarding to claim 20.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872 - 9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

LN LN
7/12/2002



**ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**